

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION**

TEXAS,

*Plaintiff,*

v.

Case No. 5:13-CV-00255-C

EQUAL EMPLOYMENT OPPOR-  
TUNITY COMMISSION; VICTORIA A.  
LIPNIC, in her official capacity as Act-  
ing Chair of the Equal Employment Op-  
portunity Commission; and JEFFER-  
SON B. SESSIONS, III, in his official ca-  
pacity as Attorney General of the United  
States,

*Defendants.*

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**PLAINTIFF'S UNOPPOSED MOTION FOR LEAVE TO FILE  
SECOND AMENDED COMPLAINT**

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Texas, by and through the Attorney General, and pursuant to the Federal Rules of Civil Procedure, respectfully requests that the Court grant leave to file the Second Amended Complaint (and accompanying exhibits) attached hereto. In support of said motion, Plaintiffs represent the following:

- (1) The primary change of the proposed Second Amended Complaint omits what is presently Count III of the First Amended Complaint (ECF No. 24);
- (2) The proposed Second Amended Complaint makes some other minor updates which are non-substantive;
- (3) The motion is unopposed by Defendants;
- (4) The filing of the Second Amended Complaint will not delay or otherwise alter the Court's current schedule, including the September 14, 2017 deadline for the parties to file cross-motions for summary judgment;

(5) Texas avers that the interests of judicial economy will be served by permitting the filing of the Second Amended Complaint and narrowing for the parties, and the Court, the number of issues that must be addressed.

Respectfully submitted this the 26th day of July, 2017.

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Attorney General of Texas  
JEFFREY C. MATEER  
First Assistant Attorney General  
BRANTLEY D. STARR  
Deputy First Assistant Attorney General  
MICHAEL C. TOTH  
Special Counsel to the First Assistant Attorney General  
ANDREW D. LEONIE  
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/s/ Austin R. Nimocks  
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*ATTORNEYS FOR PLAINTIFFS*

#### **CERTIFICATE OF CONFERENCE**

I certify that on July 24, 2017, counsel for Plaintiffs conferred with counsel for Defendants about this motion, which Defendants do not oppose.

/s/Austin R. Nimocks  
AUSTIN R. NIMOCKS  
Associate Deputy Attorney General

**CERTIFICATE OF SERVICE**

I hereby certify that on July 26, 2017, a true and correct copy of the foregoing document was transmitted to Justin M. Sandberg, Trial Attorney, Federal Programs Branch, Department of Justice, via e-mail at Justin.Sandberg@usdoj.gov.

/s/Austin R. Nimocks

AUSTIN R. NIMOCKS

Associate Deputy Attorney General